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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 11-CR-1960-JM
	)	
Plaintiff,	)	ORDER COMMITTING DEFENDANT TO THE
	)	CUSTODY OF THE ATTORNEY GENERAL
	)	PURSUANT TO TITLE 18, U.S.C. SECTION
	)	4241
v.	)	
	)	
JOSE BASAN-GERONIMO,	)	
	)	
	)	
Defendant.	)	
_____	)	

On October 28, 2011, the above matter was set to determine the mental competency of Defendant, pursuant to 18 U.S.C. § 4241(d). At that time, the Court received in evidence the Forensic Report dated October 12, 2011, prepared by Dr. Alicia Gilbert. After considering the evidence and comments of counsel, the Court finds by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him or assist properly in his defense. Accordingly, pursuant to 18 U.S.C. § 4241(d)(1),


IT IS ORDERED that the Attorney General shall receive Defendant from the custody of the United States Marshal and hospitalize Defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months pursuant to 18 U.S.C § 4241(d)(1), as is necessary to determine whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit his trial to proceed.

1 IT IS FURTHER ORDERED that the parties appear for a hearing on February 17, 2012, at 11:00  
2 a.m., to confer on the treatment process, the probability that in the foreseeable future Defendant will  
3 attain the capacity to permit the trial to proceed, and whether additional reasonable time periods are  
4 necessary to allow Defendant's mental condition to improve to the point the trial may proceed.

5 Pursuant to 18 U.S.C. § 3161(h)(A), the Court orders that the time for Defendant's treatment and  
6 competency evaluations be deemed excludable under Fed. R. Crim. P. 5 and the Speedy Trial Act, 18  
7 U.S.C. § 3161 et. seq.; and that any pending motions and trial be deferred without prejudice to the  
8 parties until the matter of competency is confirmed in this case.

9 IT IS SO ORDERED.

10 DATED: October 31, 2011

11   
12 Hon. Jeffrey T. Miller  
United States District Judge